

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BENNIE ANDERSON,

Plaintiff,

vs.

Civil Action 2:15-cv-728  
Judge Graham  
Magistrate Judge King

TOLEDO CORRECTIONAL CENTER  
MEDICAL DEPT., et al.,

Defendants.

ORDER

This is a civil rights action instituted by plaintiff, formerly a state prisoner.<sup>1</sup> On May 16, 2016, the United States Magistrate Judge recommended that the defendants who had been served with process be dismissed and that plaintiff be ordered to show cause, by May 31, 2016, why the claims against the remaining defendants should not be dismissed for failure to timely effect service of process. *Order and Report and Recommendation*, ECF No. 52. Although the parties were advised of their right to object to the recommendation and of the consequences of their failure to do so, there has been no objection.

The *Order and Report and Recommendation*, ECF No. 52, is **ADOPTED AND AFFIRMED**. The *Motion to Dismiss*, ECF No. 51, filed on behalf of those defendants who have been served with process, is **GRANTED**. The claims against defendants Gary C. Mohr, Anita Phillips, Daniel J.

---

<sup>1</sup> Plaintiff was apparently released from prison on April 15, 2016. *Mail Returned as Undeliverable*, ECF No. 53.

Chuba, Ellen Venters, Kathleen Kovach, "Ms. Robertson," and Marie Monteoffel, M.D., are **DISMISSED with prejudice**.

Plaintiff has made no response to the order to show cause why he has not effected service of process on the remaining defendants. Accordingly, the claims against all remaining defendants are **DISMISSED without prejudice** for failure to effect timely service of process. See Fed. R. Civ. P. 4(m).

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** in this case.

Date: June 6, 2016

\_\_\_\_\_  
s/James L. Graham  
James L. Graham  
United States District Judge